

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1 - 26 are pending in the application, with claims 1, 4, 14, and 23 being the independent claims. Claim 4 is amended as noted above. Support for the amendment of claim 4 can be found on p. 12 of the Specification, in the paragraph beginning at line 13. These changes introduce no new matter, and their entry is respectfully requested.

Based on the above Amendment and the following Remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Rejections under 35 U.S.C. § 103

The examiner has rejected claim 1, arguing that certain features of this claim are taught by U.S. Application 09/789,298, Publication No. US 2001/0051996 ("Cooper"). In particular, the examiner argues that Cooper teaches the step of generating a message. We note here that the examiner characterizes this feature as "generating a message associated with the data being downloaded to the client and associated with the user's private key." This step of claim 1, however, actually reads, "generating a message associated with the data being downloaded to the

client and associated with the token used by the client during a transaction.” An example of such a message is described beginning at page 12, line 13 of the Specification.

Cooper does not teach the step of “generating a message associated with the data being downloaded to the client and associated with the token used by the client during a transaction.” Examiner refers to Cooper, page 8, paragraph 102. This paragraph refers to a copyright registry system, in which a message is encrypted and stored within a watermark. Alternatively in this system of Cooper, a message may be signed using a private key of the content owner. Cooper does not disclose the generation of a message that is associated with a token used by a client. Cooper therefore fails to teach this feature of claim 1. The Examiner goes on to state that U.S. Patent Application 09/895,900, Publication No. US 2002/0002501 (“Williams”) teaches the use of tokens. Williams, however, fails to disclose the generation of a message that is associated with such a token. Claim 1 is therefore not rendered obvious by Williams or Cooper, or by any reasonable combination thereof.

Claims 2 and 3 depend from claim 1 and therefore include all the features of that claim. Given that the message generation step of claim 1 is not taught by the cited art, neither claim 2 nor claim 3 are rendered obvious.

The examiner further rejects claims 4 through 13 as being obvious. Claim 4 has been amended to include the step of generating a message associated with the data being distributed to the client and associated with the token used by the client during a transaction. As discussed above, this step is not taught in any of the cited art. For at least this reason, claim 4 is not

obvious in view of the cited art. Moreover, claims 5 through 13 all depend from claim 4, and therefore include all features of claim 4 as amended. The step of message generation that has been added to claim 4 is necessarily included in each of claims 5 through 13. Because this step is not taught by any of the cited art, none of these claims is rendered obvious.

Independent claim 14 includes the feature of generating a message associated with the data being downloaded to the client and associated with a portable token of the client. As discussed above, this feature is not taught by Cooper or any of the other cited art. This claim is therefore not rendered obvious over the cited art. Claims 15 through 22 all depend from claim 14, and therefore include the step of message generation described above. Given that this step is not taught by any of the cited art, none of claims 15 through 22 is rendered obvious by the cited art.

The examiner further argues that independent claim 23 is rendered obvious by the cited art. In particular, the examiner argues that Cooper teaches the step of reading a distinguishing number from a token. An example of this is discussed in the Specification, starting at p. 13, ln. 17. Cooper does not teach such a step. The examiner cites Cooper, page 5, paragraph 60. This paragraph refers to a number or string of characters that uniquely identifies content ordered by a consumer. The number identified in this passage therefore refers to content that is being processed and downloaded, but does not refer to a token. The examiner also refers to Cooper, page 6, paragraph 75. Here, Cooper teaches a certificate bearing an ID number. The ID number in this passage therefore refers to a digital certificate, not a physical token. Finally, the examiner

refers to Cooper, page 8, paragraph 102. This paragraph discusses the encryption or signing of a clear text message that is then stored in a watermark. This passage bears no reference to a distinguishing number that is associated with a physical token. Because the step of reading a distinguishing number from a token is not taught by Cooper or any of the other cited art, claim 23 is not rendered obvious.

Claims 24 through 27 all depend from independent claim 23, and therefore each include the step of reading a distinguishing number from a token. Given that this step is not taught in the prior art, none of claims 24 through 27 is rendered obvious over the cited art.

Other Matters

This reply is being filed in conjunction with a Request for Continued Examination, filed herewith.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is hereby invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment is respectfully requested.

Respectfully submitted,

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